

A special meeting of the Royal Oak City Commission was held on Monday, November 16, 2015, in room 309 of city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Ellison at 7:00 p.m. Present were Mayor Ellison, Mayor Pro Tem Poulton, Commissioner Douglas, Commissioner DuBuc, Commissioner Fournier and Commissioner Mahrle. Also present were City Manager Johnson, Interim City Attorney Liss, and City Clerk Halas.

Adjourned to Closed Session

Moved by Commissioner Mahrle  
Seconded by Commissioner Douglas

BE IT RESOLVED that the city commission hereby adjourns to closed session for purposes of collective bargaining.

#### ROLL CALL VOTE

AYES: Commissioner Fournier, Mayor Pro Tem Poulton, Commissioner Douglas,  
Commissioner Mahrle, Commissioner DuBuc and Mayor Ellison

ABSENT: Commissioner Paruch

MOTION ADOPTED

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A regular meeting of the Royal Oak City Commission was held on Monday, November 16, 2015, in the city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Ellison at 7:33 p.m.

Mayor Ellison gave the Invocation. Everyone present gave the pledge of allegiance.

ROLL CALL	PRESENT	ABSENT
Mayor	Ellison	
Mayor Pro Tem	Poulton	
Commissioners	Douglas	Paruch
	DuBuc	
	Fournier	
	Mahrle	

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#### PUBLIC COMMENT

Mr. Keith Olson, P.O. Box 1083 ([keithlolson@gmail.com](mailto:keithlolson@gmail.com)), representing Criminalized Racketeering Against Patients stated that the marijuana transportation ordinance was unconstitutional and did not apply to him. He submitted FOIA and ADA requests to the city clerk. The city should make case law available to the public free of charge.

Ms. Shelly Kemp, Executive Director of Royal Oak Chamber of Commerce, commented on item #12. The chamber was happy to see this development but would like to see retail incorporated at street level. Parking replacement was vital, but having foot traffic in and out of the stores was not only good for Royal Oak, but a wise community action as well.

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### **APPROVAL OF AGENDA**

Moved by Commissioner DuBuc  
Seconded by Commissioner Douglas

BE IT RESOLVED that the city commission hereby approves the agenda for the November 16, 2015 meeting as published.

ADOPTED UNANIMOUSLY

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### **CONSENT AGENDA**

Moved by Mayor Pro Tem Poulton  
Seconded by Commissioner Douglas

BE IT RESOLVED that the city commission hereby approves the consent agenda as follows:

- A. BE IT RESOLVED that the claims of November 13, 2015 audited by the department of finance are hereby approved.
- B. Be it resolved, the city commission approves the following requisitions/purchase orders for fiscal year 2015-16:

Requisition #	R004186
Vendor:	CANNON EQUIPMENT
Requesting approval for:	\$12,390
Price Source:	quote
Department / Fund:	motor pool
Description:	two snowplows for new F-250's

Requisition #	R004188
Vendor:	RAUHORN ELECTRIC
Requesting approval for:	\$19,900
Price Source:	bid by Royal Oak
Department / Fund:	street lighting/ general
Description:	street light installation and repair

Requisition #	R004188
Vendor:	HORTON EMERGENCY VEHICLES
Requesting approval for:	\$402,220
Price Source:	bid by Royal Oak
Department / Fund:	motor pool
Description:	purchase of two ambulances

Requisition #	R004193
Vendor:	MCNAUGHTON-MCKAY ELECTRIC
Requesting approval for:	\$98,650
Price Source:	bid by Royal Oak
Department / Fund:	capital projects/DDA development, capital projects/major streets
Description:	to provide 40 street lights for DDA 4th street project in 2016

- C. BE IT RESOLVED, that the mayor and city clerk are hereby authorized to execute the attached interlocal agreement between the City of Royal Oak and parties participating in the Troy Special Investigations Unit.
- D. Be it resolved, the commission hereby approves contract modification 4 to Contract S1401 2014 Sewer Televising and Root Treatment with Terra Contracting Services, LLC of Kalamazoo, Michigan for the amount of \$22,191.80, and directs staff to adjust the purchase order accordingly. The new completion date for contract S1401 will be April 18, 2016.
- E. Be it resolved the commission hereby approves the addition of work as shown on Table 1 adjusting Contract W1406 - 2014 Water Main Improvements with F.D.M. Contracting, Inc. of Shelby Township, Michigan as contract modification 3 to for the amount of \$9,225.49, and directs staff to adjust the purchase order accordingly.
- F. Whereas, pursuant to provisions of Chapter 12, City Charter of Royal Oak, as amended, the Royal Oak City Commission may commence proceedings for the making of local public improvements within the city and determine the tentative necessity thereof without a petition; and

Whereas, the Royal Oak City Commission deems it in the public interest, health, and welfare to make certain public improvements in the city, to wit:

27-foot wide, 6-inch thick concrete pavement with integral curb and gutter of Orchard Grove Drive from Hilldale Drive to the CN Railroad

Now, therefore be it resolved that:

1. The city assessor be and is hereby directed to cause to be prepared a report which shall include necessary plans, profiles, specifications and detailed estimates of costs, an estimate of the life of the improvements, and a description of the public improvements, and to prepare a special assessment of the district and such other pertinent information as will permit the commission to decide the cost, extent, and necessity of the improvement proposed and what part or proportion thereof should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the city.
  2. When the aforesaid report is completed, the city assessor shall file the same with the city clerk for presentation to the commission.
  3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.
- G. Be it resolved, the appointments committee members rotate to Commissioners Fournier, Mahrle, and Paruch effective immediately.

ADOPTED UNANIMOUSLY

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**MR. B'S, 215 S. MAIN STREET  
REQUEST TO CHANGE PLAN OF OPERATION**

Moved by Commissioner Fournier  
Seconded by Commissioner DuBuc

BE IT RESOLVED, that the attached proposed amended Plan of Operation of Culinary Investments, LLC, is hereby approved.

ADOPTED UNANIMOUSLY

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**OAKLAND COUNTY/ROYAL OAK  
NORMANDY OAKS PARK COMMITTEE**

Moved by Commissioner Mahrle  
Seconded by Commissioner DuBuc

Be it resolved, the city commission hereby approves the creation of an Oakland County/Royal Oak Normandy Oaks Park committee; and

Be it further resolved, the city commission hereby approves Michael Fournier and Sharlan Douglas to serve as Royal Oak's representatives on the committee.

ADOPTED UNANIMOUSLY

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**INTERLOCAL AGREEMENT  
CITY OF FERNDALE'S TAP GRANT**

Moved by Commissioner DuBuc  
Seconded by Commissioner Fournier

BE IT RESOLVED, that the mayor and city clerk be authorized to execute the "Cost-Sharing Agreement for Woodward Neighborhood Bicycle Route Transportation Alternatives Program (TAP) 2015 Project."

ADOPTED UNANIMOUSLY

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**CUSTOMER SERVICE CULTURE TRAINING REPORT**

Ms. Kayla Barber-Perrotta gave a report on the progress of the training sessions.

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**PARKING AUTHORITY**

Moved by Commissioner Douglas  
Seconded by Mayor Pro Tem Poulton

Be It Resolved, the Royal Oak City Commission hereby accepts the DDA's offer, terms and conditions and directs staff to prepare the appropriate agreement.

ADOPTED UNANIMOUSLY

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**ETKIN ACQUISITIONS, L.L.C.**

Mr. Doug Etkin stated they were directed to maintain the vitality of the parking because it was heavily used. There could be retail on Second Street but he was concerned about limiting the parking. It begins to minimize what you can do.

Moved by Mayor Pro Tem Poulton  
Moved by Commissioner DuBuc

Be it resolved that the city commission tables approval of the Etkin Acquisitions agreement to a future meeting; and

Be it further resolved that a joint session of the city commission and downtown development authority be set for November 30, 2015 at 5:00 p.m.

ADOPTED UNANIMOUSLY

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**WOODWARD AND MAIN DEVELOPMENT, L.L.C.**

Moved by Commissioner Douglas  
Seconded by Commissioner Mahrle

Be It Resolved, the Royal Oak City Commission hereby supports the DDA's action and directs staff with the assistance of legal counsel to prepare the appropriate documents.

ADOPTED UNANIMOUSLY

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**SETTLEMENT AGREEMENT  
WOODWARD 14 L.L.C. V. CITY OF ROYAL OAK**

Moved by Mayor Pro Tem Poulton  
Seconded by Commissioner Douglas

Be it Resolved, the attached settlement proposal in the matter of Woodward 14 Associates, LLC. v. City of Royal Oak, 2015-149027-AA, is adopted by the City of Royal Oak.

ADOPTED UNANIMOUSLY

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**ELECTRONIC MESSAGE CENTERS**

Moved by Mayor Pro Tem Poulton  
Seconded by Commissioner Mahrle

Whereas, the City of Royal Oak has adopted a sign ordinance (chapter 607, signs, of the code of the City of Royal Oak) to create the legal framework for a comprehensive and balanced system of regulating signs and outdoor advertising within the city in the interest of public health, safety and welfare; and

Whereas, the sign ordinance permits signs with messages that change automatically provided they have a cycle time of not less than 30 seconds, according to Section 607-16, subparagraph E, of the ordinance; and

Whereas, the sign ordinance does not define or contain regulations that apply specifically to electronic message centers, or signs that can be electronically changed by remote or automatic means, or that appear to change by any method other than manually removing and replacing the sign or its components, such as video displays, animated signs, intermittent illumination, light-emitting diodes (LED's), devices manipulated through digital input, or any similar method or technology that allows the sign to present a series of images; and

Whereas, the United States Supreme Court's ruling in *Reed v. Town of Gilbert, Arizona*, has impacted several regulations contained in the city's sign ordinance; and

Whereas, in light of the court's ruling and the volume of sign variance applications, staff is considering potential amendments to the sign ordinance regarding all signs, including the installation of electronic message centers; and

Whereas, the city commission has determined that it is necessary to give further study to the installation of electronic message centers, in order to insure consistent, cohesive and sensible signs and outdoor advertising in the city; and

Whereas, the city commission has determined that during this further study, it would be counterproductive if applications for approvals related to the installation of electronic message centers were allowed to move forward; and

Whereas, the city commission also recognizes that deferring review of applications for approvals related to the installation of electronic message centers could result in hardship to some applicants;

Therefore be it resolved, during the course of the city's deliberations as to the appropriate regulations for all signs, review of all applications related to the installation of electronic message centers should be deferred, and that a moratorium is hereby declared, effective immediately, for a period of 180 days.

Be it further resolved, during the period of this moratorium, there shall be no consideration or action taken by the city, any elected official, any appointed official, or any employee on any request for any approval related to the installation of electronic message centers.

Be it further resolved, during the period of this moratorium, any entity or property owner alleging that the deferred review resulting from the moratorium will result in the denial of all permissible signs and outdoor advertising or would otherwise result in a violation of applicable federal or state constitution or law shall be entitled to an expedited hearing before the city commission. At the conclusion of this hearing, the city commission shall make findings and conclusions with respect to whether or not the petitioner has demonstrated that all permissible signs and outdoor advertising have been denied by the deferred review, and/or whether or not this resolution on its face or as applied to the petitioner violates applicable federal or state constitution or law. If it is demonstrated and found that the deferral has the effect of denying all permissible signs and outdoor advertising, or that the deferral violates applicable federal or state constitution or law, the city commission shall grant relief from the moratorium to the extent necessary to cure the violation.

ADOPTED UNANIMOUSLY

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Upon motion of Commissioner Mahrle, seconded by Commissioner Fournier, and adopted unanimously, the regular meeting was adjourned at 8:39 p.m.

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Melanie Halas, City Clerk

The foregoing minutes of the regular meeting held on November 16, 2015, having been officially approved by the city commission on Monday, December 7, 2015, are hereby signed this seventh day of December, 2015.

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James B. Ellison, Mayor